

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

JACK BEERY,	:	
Plaintiff,	:	Case No. 3:00cv327
vs.	:	District Judge Thomas M. Rose
	:	Magistrate Judge Sharon L. Ovington
THOMSON CONSUMER	:	
ELECTRONICS, INC.,	:	
Defendant.	:	

THOMSON LICENSING SA,	:	
Plaintiff,	:	Case No. 3:02cv311
vs.	:	District Judge Thomas M. Rose
	:	Magistrate Judge Sharon L. Ovington
JACK BEERY,	:	
Defendant.	:	

ORDER

The Court has reviewed *de novo* the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #196), to whom these cases were referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby adopts said Report and Recommendations.

Accordingly, the Court **ORDERS** that:

1. The Report and Recommendations filed on May 12, 2005 (3:02cv311, Doc. #196) is ADOPTED in full;
2. Beery's Motion For Partial Summary Judgment Or Dismissal For Lack Of Subject Matter Jurisdiction (3:02cv311, Doc. #174) is GRANTED;
3. Thomson Licensing SA's Motion for Partial Dismissal of the §291 Claim As It Applies To U.S. Patent No. 5,068,734 (3:02cv311, Doc. #192) is GRANTED;
4. Thomson Licensing SA's two patent interference claims under 35 U.S.C. §291 are DISMISSED with prejudice;
5. The consolidation of these two patent cases – *Thomson Licensing SA v. Jack Beery*, 3:02cv00311 and *Jack Beery v. Thomson Consumer Electronics Inc.*, 3:00cv00327 – is terminated;
6. The Clerk of Court shall enter Judgment in favor of Defendant Jack Beery and against Plaintiff Thomson Licensing SA on all claims raised in Thomson Licensing's First Amended Complaint in the patent interference case, 3:02cv00311; and
7. The patent interference case, 3:02cv00311, is terminated on the docket of this Court.
8. The patent infringement case, 3:00cv00327, remains pending.

June 2, 2005

s/**THOMAS M. ROSE**

Thomas M. Rose
United States District Judge